

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>WILLIAM E. HAWKINS,</b>	)	
<b>Inmate #00210-25,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 05-278-GPM</b>
	)	
<b>DRUG ENFORCEMENT AGENCY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, Chief District Judge:**

Plaintiff, an inmate in the Federal Correctional Institution in Greenville, Illinois, brings this action pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Plaintiff was granted leave to proceed *in forma pauperis* and has paid the filing fee in full. This case is now before the Court for ruling on a motion and a preliminary review of the complaint pursuant to 28 U.S.C. § 1915A, which provides:

- (a) **Screening.**--The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.
- (b) **Grounds for Dismissal.**--On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--
  - (1) is frivolous, malicious, or fails to state a claim on which relief may be granted; or
  - (2) seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915A. An action or claim is frivolous if "it lacks an arguable basis either in fact or

law.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Upon careful review of the complaint and any supporting exhibits, the Court finds it appropriate to refer this case to a United States Magistrate Judge for further proceedings.

Plaintiff also has filed a motion to compel service of process (Doc. 5). This motion is **DENIED**.

**IT IS ORDERED** that Plaintiff shall complete and submit a USM-285 form for the **ATTORNEY GENERAL of the UNITED STATES** and the **UNITED STATES ATTORNEY for the SOUTHERN DISTRICT OF ILLINOIS** within **THIRTY (30) DAYS** of the date of entry of this Memorandum and Order. The Clerk of Court is **DIRECTED** to send Plaintiff **TWO (2)** USM-285 forms with Plaintiff’s copy of this Memorandum and Order. **Plaintiff is advised that service will not be made on a defendant until Plaintiff submits a properly completed USM-285 form for that defendant.**

The United States Marshal is **DIRECTED** to serve a copy of the complaint, summons, and this Memorandum and Order upon the **UNITED STATES ATTORNEY for the SOUTHERN DISTRICT OF ILLINOIS**, in accordance with the provisions outlined in Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure; to send a copy of the complaint, summons, and this Memorandum and Order to the **ATTORNEY GENERAL of the UNITED STATES**, in accordance with the provisions outlined in Rule 4(i)(1)(B) of the Federal Rules of Civil Procedure; and to send a copy of the complaint, summons, and this Memorandum and Order to Defendants **the DRUG ENFORCEMENT ADMINISTRATION, the UNITED STATES MARSHAL SERVICE, the EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS, the BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, the FEDERAL BUREAU OF**

**INVESTIGATION, and the DEPARTMENT OF JUSTICE** in accordance with the provisions outlined in Rule 4(i)(2)(A) of the Federal Rules of Civil Procedure. All costs of service shall be advanced by the United States.

Plaintiff is **ORDERED** to serve upon each Defendant and the United States Attorney for the Southern District of Illinois, and the Attorney General of the United States, or, if appearance has been entered by counsel, upon that attorney, a copy of every further pleading or other document submitted for consideration by this Court. He shall include with the original paper to be filed with the Clerk of the Court a certificate stating the date that a true and correct copy of any document was mailed to each Defendant or its counsel. Any paper received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service will be disregarded by the Court.

Defendants are **ORDERED** to timely file an appropriate responsive pleading to the complaint and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g).

Pursuant to Local Rule of the United States District Court for the Southern District of Illinois 72.1(a)(2), this cause is **REFERRED** to a United States Magistrate Judge for further pretrial proceedings.

Further, this entire matter is hereby **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Plaintiff is under a continuing obligation to keep the Clerk and each opposing party informed of any change in his whereabouts. This shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to do so will result in dismissal of this

action. *See* FED. R. CIV. P. 41(b).

**IT IS SO ORDERED.**

DATED: 10/25/05

s/ G. Patrick Murphy  
G. PATRICK MURPHY  
Chief United States District Judge